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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

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9 Joseph C. Holmes,) No. CV-08-190-PHX-DGC

10 Plaintiff,) **ORDER**

11 vs.)

12 Russell Barker, a Police Officer for the)
13 City of Clinton, Tennessee, et al.)

14 Defendants.)

15 _____)

16 On September 19, 2008, the Court issued an order denying Plaintiff's motion for
17 appointment of counsel. Dkt. #19. Plaintiff has filed a motion for reconsideration of that
18 order. Dkt. #21.

19 Motions for reconsideration are disfavored and should be granted only in rare
20 circumstances. *See Ross v. Arpaio*, No. CV 05-4177-PHX-MHM (ECV), 2008 WL 1776502,
21 at *2 (D. Ariz. April 15, 2008); *Motorola, Inc. v. J.B. Rodgers Mech. Contractors, Inc.*, 215
22 F.R.D. 581, 586 (D. Ariz. 2003). The arguments and evidence presented in support of the
23 instant motion do not change the Court's prior conclusion that Plaintiff has failed to
24 demonstrate a likelihood of success on the merits or that any difficulty he is experiencing in
25 attempting to litigate his case is due to the complexity of the issues involved. *See* Dkt. #19
26 at 2 (citing *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986)); *see also Terrell v.*
27 *Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991) (district court did not abuse its discretion by
28 refusing to appoint counsel where the plaintiff had sufficient writing ability and legal

1 knowledge to articulate his claim, the facts alleged and issues raised were not of substantial
2 complexity, and it was not likely that he would succeed on the merits). The Court
3 accordingly will deny Plaintiff's motion.

4 **IT IS ORDERED** that Plaintiff's motion for reconsideration (Dkt. #21) is **denied**.

5 DATED this 19th day of November, 2008.

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7 *David G. Campbell*
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9 David G. Campbell
10 United States District Judge
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